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U. S. DEPARTMENT OF AGRICULTURE

FDO 53

MAY 25, 1943

WAR FOOD ADMINISTRATION

[FDO 53]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DISTRIBUTION OF ANIMAL OIL, NEAT'S-FOOT OIL, AND RED OIL

Pursuant to the provisions of Executive Order No. 9280, dated December 5, 1942 (7 F.R. 10179), and Executive Order No. 9322, dated March 26, 1943 (8 F.R. 3807), as amended by Executive Order No. 9334, dated April 19, 1943 (8 F.R. 5423), and to assure an adequate supply and efficient distribution of animal oil, neat's-foot oil, and red oil to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.15 *Animal oil, neat's-foot oil, and red oil; restrictions on use and distribution—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "animal oil" means oil pressed or otherwise separated from animal tallow or grease. It shall include, but is not limited to, grease oil, otherwise known as lard oil, tallow oil, and oil obtained from the feet of swine, commonly known as pig's foot oil. However, the term shall not include the following:

(i) Neat's-foot oil, or

(ii) Any edible oil, whether or not of the type or class heretofore mentioned, which has been inspected, and marked, stamped, tagged, or labeled as "inspected and passed", pursuant to the Act of March 4, 1907 (34 Stat. 1260, 1261, 21 U.S.C. 1940 ed. 71 et seq.), or

(iii) The high titer residue, commonly known as stearine, obtained from a pressing operation in the production of animal oil.

(2) The term "neat's-foot oil" means any oil obtained by any process which includes the rendering of the feet or shin bones of cattle and which may, or may not, include a pressing operation.

(3) The term "red oil" means the lower titer fatty acids, commonly known as commercial oleic acid, obtained by any process which includes the splitting of animal fat and a subsequent separation by pressing, or otherwise, of such lower titer fatty acids from the higher titer fatty acids.

(4) The term "person" means any individual, partnership, corporation, association or other business entity.

(5) The term "producer" means any person engaged in the production of animal oil, neat's-foot oil, or red oil.

(6) The term "distributor" means any person who has purchased or hereafter purchases animal oil, neat's-foot oil, or red oil for purposes of resale.

(7) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery, use, processing, and blending.* (1) No person shall deliver, accept delivery of, use, process, or blend animal oil, neat's-foot oil, or red oil, except as specifically authorized or directed by the Director.

(2) Insofar as practicable, the Director will issue authorizations or directives with respect to delivery, use, processing, and blending in each calendar month prior to the commencement of such month. The Director may, however, at any time, and notwithstanding the provisions of paragraph (c) of this order, or any prior authorizations or directives issued by him, issue directives with respect to the delivery, acceptance of delivery, use, processing, or blending of animal oil, neat's-foot oil, or red oil to be produced, or then on hand; and no person shall deliver, accept delivery of, use, process, or blend any animal oil, neat's-foot oil, or red oil in violation of any such directive after receiving notice thereof. The Director may also, at any time, issue directives to a producer with respect to the grade of animal oil, neat's-foot oil, or red oil which such producer may, or may not, manufacture; and no producer shall use any raw materials or facilities in the production of any animal oil, neat's-foot oil, or red oil in violation of such a directive after receiving notice thereof. Notice of any directive issued pursuant to this paragraph (b) (2) may be given to the person concerned, by delivering a copy of said directive by mail or by means of a telegram to an employee of such person at the business address of the person concerned.

(c) *Exceptions.* (1) Notwithstanding the provisions of paragraph (b) (1) of this order, specific authorization of the Director shall not be required with respect to the delivery to any one person during any one calendar month, and acceptance of delivery, use, processing, or blending by any one person in any one calendar month of one or more of the following quantities of fats and oils, to wit:

(i) 500 pounds or less of animal oil,

(ii) 500 pounds or less of neat's-foot oil:

(iii) 2,200 pounds or less of red oil: *Provided, however,* That the total quantity which one person may use, process, blend, or accept delivery of, in any one calendar month pursuant to this paragraph (c) (1) shall not exceed 2,200 pounds.

(2) Every person accepting delivery of any animal oil, neat's-foot oil, or red oil pursuant to the provisions of paragraph (c) (1) hereof, shall file with his supplier a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the War Food Administration, United States Department of Agriculture, and to his supplier that the ----- pounds of ----- oil hereby ordered for delivery in ----- 194--, does not, taken with all other fats and oils delivered or to be delivered to him in such month, exceed the amount which he is entitled to receive under paragraph (c) (1) of Food Distribution Order 53.

Name of purchaser

Date By -----

Authorized official

Title

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize delivery of animal oil, neat's foot oil, or red oil by a producer or distributor where such producer or distributor knows, or has reason to believe, the same to be false, but in the absence of such knowledge or reason for belief he may rely on the certificate.

(d) *Application for delivery, use, processing, or blending.* Each person requiring an authorization to accept delivery of, use, process, or blend animal oil, neat's foot oil, or red oil, during any calendar month, including a person seeking authorization to accept delivery of animal oil, neat's foot oil, or red oil for resale, shall file an application therefor, on or before the 10th day of the calendar month preceding the calendar month for which authorization for acceptance of delivery, use, processing, or blending is requested. Separate applications shall be made for each kind of oil on Forms FDA 478 and FDA 477, or such other form or forms as may be prescribed by the Director, and shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-53. In each case where the application for authorization to accept delivery of, use, process, or blend is granted,

one copy of Form FDA 478, or such other forms may be prescribed by the Director, signed by the Director, will be returned to the applicant and will constitute his authorization to accept delivery of, use, process, or blend, and one copy of Form FDA 477, or such other form as may be prescribed by the Director, signed by the Director, will be sent to the supplier and will constitute the authorization for the supplier to make delivery.

(e) *Effective period of authorizations.* The Director may prescribe in each authorization issued pursuant to this order, the period of time in which the authorization shall be effective. No person shall take any action pursuant to, or in reliance on, an authorization which has expired.

(f) *Inventories.* Animal oil, neat's foot oil, or red oil authorized or directed by the Director to be used for a specific purpose during a specific period shall revert to inventories where and to the extent that such fats or oils are not used during the specific period for the specific purpose designated in the authorization or directive. Furthermore, animal oil, neat's foot oil, or red oil which the Director has authorized or directed to be delivered, accepted for delivery, or used for the purpose of building up inventories, or which has reverted to inventories under the terms of this order, shall not be delivered, accepted for delivery, used, processed, or blended, except as the Director may further authorize or direct.

(g) *Reports by producers and distributors.* Each producer or distributor of animal oil, neat's foot oil, or red oil, shall fill out and file with the Director of Food Distribution, United States Department of Agriculture, one copy of Form FDA 476, with respect to such fats or oils which are to be produced or delivered by him in each calendar month. The form for each particular month of production or delivery shall be filed between the first and the fifteenth day of the preceding calendar month.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereinafter entered into, or any rights accrued or payments made thereunder.

(i) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other period of times as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(j) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(l) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of animal oil, neat's-foot oil, or red oil shall apply not only to deliveries to other person, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(m) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of animal oil, neat's-foot oil, and red oil and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(n) *Petition for relief from hardships.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(o) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(p) *Communication to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-53.

(q) *Territorial extent.* This order applies to all persons in the United States, its territories and possessions, and the District of Columbia.

(r) *Initial applications and reports.* Notwithstanding the provisions of paragraphs (d) and (g) of this order:

(1) Applications for the acceptance of delivery, use, processing, or blending of animal oil, neat's-foot oil, or red oil in July 1943, shall be made on or before June 15, 1943, and

(2) Reports by producers or distributors of the animal oil, neat's-foot oil, or red oil to be produced or delivered by them in July 1943, shall be filed on Form FDA-476, or such other form as the Director may prescribe, on or before June 15, 1943.

(s) *Effective date.* This order shall become effective on July 1, 1943, at 12.01 a. m., e. w. t., except that the provisions of paragraph (r) of this order shall become effective on the date of issuance.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 25th day of May 1943

[SEAL] JESSE W. TAPP,
Acting War Food Administrator.

Press Release Immediate:
Wednesday, May 26, 1943.

Three more industrial oils—animal, neat's foot, and red oils—today were added to the list of fats and oils that the War Food Administration is allocating to provide adequate supplies for meeting military, essential civilian, and Lend-Lease needs.

Food Distribution Order 53, effective July 1, provides for allocation of the three oils from producers to industrial consumers, and provides for the designation of amounts to be used for specific products.

Animal, neat's foot and red oils are highly important as metal working oils (in cutting, drawing, casting, grinding), and are essential in textile weaving and processing, leather tanning, and in the manufacture of various specialized lubricants. Demand for them has increased with the acceleration of wartime industrial activity, and their shortage is magnified by the shortage of tallow and grease, the raw materials from which they are manufactured. Animal oils are defined to include grease (lard) oil, tallow oil, pig's feet oil as well as any other oil produced from animal fat.

These oils also are important substitutes for more commonly used sperm,

caster and olive oils, and petroleum sulphanates—all of which are critical because of uncertain shipping conditions and expanded demands.

Allocation of these three oils will aid in the allocation of other fats and oils. For example, lard oil, a product of animal fats, and sperm oil are somewhat interchangeable—and the former can be used to extend the supplies of the latter. Previously, it had been necessary in some cases to reduce the allowance of critical sperm oil without adequate means of making substitutes available. By the control of lard oil, the order will permit allocation of both the lard and sperm oils to the best advantage.

WAR FOOD ADMINISTRATION

U. S. DEPARTMENT OF AGRICULTURE

[FDO 53, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DISTRIBUTION OF ANIMAL OIL, NEAT'S-FOOT OIL, AND RED OIL

Food Distribution Order No. 53 (8 F.R. 7003), § 1460.15, issued by the Acting War Food Administrator on May 25, 1943, is amended as follows:

1. By deleting the provisions of paragraph (c) thereof and inserting, in lieu thereof, the following:

(c) *Exceptions.* (1) Notwithstanding the provisions of paragraph (b) (1) of this order, specific authorization of the Director shall not be required with respect to the delivery to any one person during any one calendar month, and acceptance of delivery, use, processing, or blending by any one person in any one calendar month of 450 pounds, or less, of neat's-foot oil and 450 pounds, or less, of red oil.

(2) Every person accepting delivery of neat's-foot oil or red oil for the purpose of manufacturing any other product, without regard to whether such oil is incorporated in such product; or for the purpose of resale; pursuant to the provisions of paragraph (c) (1) hereof, shall fill out and file with his supplier a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, and to-----

(sup-
plier) that the delivery of ----- pounds
of ----- oil to him by said supplier,
in connection with which this certificate is
furnished, in ----- 194--, will not,
(month)

together with all other fats and oils delivered or to be delivered to him in such month, exceed the amount which he is entitled to accept delivery of under paragraph (c) (1) of Food Distribution Order 53, as amended.

(Deliverer)

By -----

(Authorized official)

Date -----

Such certificate shall be signed by an authorized official of the deliverer. The

receipt of such certificate shall not authorize the delivery of neat's-foot or red oil by a person who knows or has reason to believe the same to be false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate. The person making delivery shall retain such certificate as a part of his records for at least two years or for such other periods of time as the Director may specify.

2. By inserting after the end of paragraph (s) thereof the following:

(t) *Temporary suspension of (b) with respect to animal oil.* The provisions and restrictions of paragraphs (b) (1) and (2) hereof, shall not apply to the delivery, acceptance of delivery, use, processing, or blending of animal oil by any person, when such delivery, acceptance of delivery, use, processing, or blending occurs during the period beginning on the effective date of this amendment, and ending on January 31, 1944.

(u) *Inventory limitations.* (1) No person, other than a producer or distributor, shall, after the effective date of this amendment, accept delivery of any animal oil which will cause his inventory of animal oil to exceed a quantity equal to 60,000 pounds, or the aggregate amount of animal oil used, processed, or blended, by him during any two consecutive calendar months in the period beginning on January 1, 1943, and ending on June 30, 1943, whichever is greater. In computing the aggregate amount of animal oil used, processed, or blended by any person in any two consecutive calendar months in the period beginning on January 1, 1943, and ending on June 30, 1943, the same oil shall not be counted more than once.

(2) No distributor shall accept delivery of any animal oil, after the effective date of this amendment, which will cause his inventory of animal oil to exceed a quantity equal to $\frac{1}{3}$ of the amount of animal oil which he accepted delivery of during the period beginning on January 1, 1943, and ending on June 30, 1943.

(3) Notwithstanding the provisions of paragraphs (u) (1) and (2) hereof, any person restricted by the provisions of said paragraph (u) (1), or any distributor, may accept delivery of a quantity of animal oil equal to his maximum unit, if, at the time of such acceptance of delivery, his inventory does not exceed 50% of the quantity he is permitted to have in his inventory under the applicable provisions of paragraphs (u) (1) and (2) hereof.

(4) For the purposes of paragraphs (u) (1), (2), and (3) hereof, the term "inventory" means the quantity of animal oil owned by a person and which is on his premises, in storage facilities used by him, or in transit to him.

(5) For the purposes of paragraph (u) (3) hereof, the term "maximum unit" means, with respect to any person, the largest, single, segregate, commercial quantity of animal oil which such person accepted delivery of during the period beginning on January 1, 1943 and ending on June 30, 1943. For example, such a unit might be one, but not more than one, of the following: a tank car, or fraction thereof; a tank truck, or fraction thereof; a carload, or fraction thereof, of packaged oil; or a truckload, or fraction thereof, of packaged oil.

This amendment shall become effective on October 1, 1943, as of 12:01 a. m. e. w. t. However, with respect to violations of said Food Distribution Order No. 53, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 53 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 2d day of October 1943.

MARVIN JONES,
War Food Administrator.

Press Release Immediate:
Monday, October 4, 1943.

The War Food Administration has suspended the allocation of animal oils—lard, tallow and fleshing oils—for three months beginning October 1 because of improved inventories.

These oils, produced from animal greases, are important in industry as metal working oils (in cutting, drawing, casting and grinding) and are essential in textile weaving and processing, leather tanning, and in the manufacture of vari-

ous specialized lubricants. They have been allocated along with red oil (oleic acid) and neatsfoot oil since July 1.

Suspension of restrictions on the use and distribution of the lard, tallow and fleshing oils was effected by an amendment to Food Distribution Order No. 53, which has provided for their allocation. The Food Distribution Administration said that red and neatsfoot oil, in much shorter supply, must remain under allocation.

Though the amendment frees the animal oil group from allocation, it limits

the inventory of any manufacturer or distributor to 60,000 pounds, or the aggregate of the two highest consecutive months of use between January 1, 1943 and July 1, 1943, whichever is greater. Materials in transit are defined as a part of the purchaser's inventory.

The amendment also reduces to 450 pounds the quantity of red and neatsfoot oil which can be used monthly without specific authorization from the Director of Food Distribution. The original order placed these quantities at 2,200 pounds of red oil or oleic acid, and 500 pounds of neatsfoot oil.



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U. S. DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

[FDO 53, Amdt. 2] A

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DISTRIBUTION OF ANIMAL OIL, NEAT'S-FOOT OIL, AND RED OIL

Food Distribution Order 53, as amended (8 F.R. 7003; 13447), § 1460.15, is amended to read as follows:

(a) *Definitions.* (1) The term "animal oil" means oil pressed or otherwise separated from animal tallow or grease. It shall include, but is not limited to, grease oil, otherwise known as lard oil, tallow oil, and oil obtained from the feet of swine, commonly known as pig's foot oil. However, the term shall not include the following:

(i) Neat's-foot oil, or
(ii) Any edible oil, whether or not of the type or class heretofore mentioned, which has been inspected, and marked, stamped, tagged, or labeled as "inspected and passed", pursuant to the Act of March 4, 1907 (34 Stat. 1260; 1261; 21 U. S. C. 1940 ed. 71 et seq.), or

(iii) The high titer residue, commonly known as stearine, obtained from a pressing operation in the production of animal oil.

(2) The term "neat's-foot oil" means any oil obtained by any process which includes the rendering of the feet or shin bones of cattle and which may, or may not, include a pressing operation.

(3) The term "saponified red oil" means the lower titer fatty acids, commonly known as commercial oleic acid, obtained by any process which includes the splitting of animal fat and a subsequent separation by pressing, or otherwise, of such lower titer fatty acids from the higher titer fatty acids, and which have not been distilled either prior to, or after, separation from the higher titer fatty acids.

(4) The term "distilled red oil" means the lower titer fatty acids, commonly known as commercial oleic acid, obtained by any process which includes the splitting of animal fat and a subsequent separation by pressing, or otherwise, of such lower titer fatty acids from the higher titer fatty acids, and which have been distilled either prior to, or after, separation from the higher titer fatty acids.

(5) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(6) The term "producer" means any person engaged in the production of animal oil, neat's-foot oil, saponified red oil, or distilled red oil.

(7) The term "distributor" means any person who has purchased or hereafter purchases animal oil, neat's-foot oil, saponified red oil, or distilled red oil for purposes of resale.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(9) The term "certified order" means any written order delivered to a producer or distributor for saponified red oil which has included therein, or attached thereto, a certificate properly filled out and executed in accordance with the provisions of (g) (1) hereof.

(10) The term "inventory", for the purposes of (e) (1), (2), and (3) hereof, means the quantity of animal oil owned by any person and which is on his premises, in storage facilities used by him, or in transit to him.

(11) The term "maximum unit", for the purposes of (e) (3) hereof, means, with respect to any person, the largest, single, segregate, commercial quantity of animal oil which such person accepted delivery of during the period beginning on July 1, 1943, and ending on December 31, 1943. For example, such a unit might be one, but not more than one, of the following: a tank car, or fraction thereof; a tank truck, or fraction thereof; a carload, or fraction thereof, of packaged oil; or a truck load, or fraction thereof, of packaged oil.

(b) *Restrictions on delivery, use, processing, and blending of animal oil, neat's-foot oil, and distilled red oil.* Subject to the provisions of (c) and (d) hereof, no person shall deliver, accept delivery of, use, process, or blend animal oil, neat's-foot oil, or distilled red oil, except as specifically authorized by the Director.

(c) *Exceptions.* (1) Notwithstanding the provisions of (b) hereof, specific authorization by the Director shall not be required with respect to the delivery to any one person during any one calendar month, and acceptance of delivery, use, processing, or blending by any one person in any one calendar month of 450 pounds, or less, of animal oil, 450 pounds, or less, of neat's-foot oil, and 450 pounds, or less, of distilled red oil: *Provided, however,* That no producer shall deliver any animal oil, neat's-foot oil, or distilled red oil pursuant to this paragraph (c) (1), in any calendar month, unless specifically

authorized by the Director to so deliver a specific maximum quantity of animal oil, neat's-foot oil, or distilled red oil in such month; and no producer shall deliver in any calendar month animal oil, neat's-foot oil, or distilled red oil pursuant to this paragraph (c) (1) in a total amount in excess of the maximum amount authorized by the Director.

(2) Every person accepting delivery of animal oil, neat's-foot oil, or distilled red oil for the purpose of manufacturing any other product, without regard to whether such oil is incorporated in such product; or for the purpose of resale; pursuant to the provisions of (c) (1) hereof, shall fill out and file with his supplier a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, and to _____ (supplier)

_____ that the delivery of _____ pounds of _____ oil to him by said supplier, in connection with which this certificate is furnished, in _____ (month)

194____, will not, together with all other animal oil, neat's-foot oil, and distilled red oil delivered or to be delivered to him in such month, exceed the amount which he is entitled to accept delivery of under (c) (1) of Food Distribution Order 53, as amended.

(Deliverer)

By _____ (Authorized official)

Date _____

Such certificate shall be signed by an authorized official of the deliverer. The receipt of such certificate shall not authorize the delivery of animal oil, neat's-foot oil, and distilled red oil by any person who knows or has reason to believe the same to be false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate.

(d) *Temporary suspension of (b) and (c) with respect to animal oil.* The restrictions and provisions of (b) and (c) hereof, shall not apply to the delivery, acceptance of delivery, use, processing, or blending of animal oil by any person, when such delivery, acceptance of delivery, use, processing, or blending occurs during the period beginning on October 1, 1943 and ending on March 31, 1944.

(e) *Inventory limitations with respect to animal oil.* (1) No person, other than a producer or distributor, shall, after January 1, 1944, accept delivery of any animal oil which will cause his inventory of animal oil to exceed a quantity equal

to 60,000 pounds, or the aggregate amount of animal oil used, processed, or blended, by him during any two consecutive calendar months in the period beginning on July 1, 1943, and ending on December 31, 1943, whichever is greater. In computing the aggregate amount of animal oil used, processed, or blended by any person in any two consecutive calendar months in the period beginning on July 1, 1943, and ending on December 31, 1943, the same oil shall not be counted more than once.

(2) No distributor shall accept delivery of any animal oil, after January 1, 1944, which will cause his inventory of animal oil to exceed a quantity equal to $\frac{1}{3}$ of the amount of animal oil which he accepted delivery of during the period beginning on July 1, 1943, and ending on December 31, 1943.

(3) Notwithstanding the provisions of (e) (1) and (2) hereof, any person restricted by the provisions of said (e) (1), or any distributor, may accept delivery of a quantity of animal oil equal to his maximum unit, if, at the time of such acceptance of delivery, his inventory does not exceed 50% of the quantity he is permitted to have in his inventory under the applicable provisions of (e) (1) and (2) hereof.

(f) *Saponified red oil set aside.* On the first day of each calendar month, every producer shall set aside and hold for delivery pursuant to specific authorizations by the Director, a quantity of saponified red oil equal to $\frac{1}{3}$ of the total saponified red oil produced by him in the preceding calendar month. Any saponified red oil required to be set aside hereunder on the first day of any month and the delivery of which is not specifically authorized by the Director prior to the first day of the succeeding calendar month, shall be released from the restrictions of this paragraph on the first day of such succeeding calendar month.

(g) *Orders for saponified red oil which is not to be used for the production of liquid, industrial laundry, or household laundry soap given preference.* (1) Every person, except a distributor, who desires to obtain saponified red oil from a producer or distributor for any purpose other than the production of liquid, industrial laundry, or household laundry soap, shall, prior to the delivery of the saponified red oil to him, deliver to such producer or distributor a written order for such saponified red oil, which has attached thereto, or included therein, a certificate properly filled out and signed by him, in the following form:

The undersigned hereby certifies to the War Food Administration and to ----- (supplier) -----, that this certificate constitutes a part of an order by him to said supplier for ----- pounds of saponified red oil to be delivered on or about ----- (date) -----, and that none of the saponified red oil which may be received by the undersigned pursuant to such order will be used by him

in the production of liquid, industrial laundry, or household laundry soap.

(Purchaser)

By -----
(Authorized official)

Date

No person who receives saponified red oil as a result of such a certified order shall use any of the saponified red oil so received in the production of liquid, industrial laundry, or household laundry soap.

(2) No producer or distributor shall deliver saponified red oil to any person, other than a distributor, in any calendar month, except pursuant to a specific authorization by the Director or a certified order, unless and until he has delivered, offered to deliver, or made provision to deliver all saponified red oil which is ordered from him by means of certified orders which are received by him at any time before the 16th day of such calendar month, and if subject to (f) hereof, has set aside the amount of saponified red oil required thereunder.

(h) *Further allocations.* The Director is authorized at any time to issue orders allocating fats and oils and facilities to the production of particular kinds or grades of animal oil, neat's-foot oil, or red oil.

(i) *Issuance of specific authorizations.* (1) Insofar as practicable, the Director will issue authorizations pursuant to the provisions of this order with respect to delivery, acceptance of delivery, use, processing, or blending in each calendar month prior to the commencement of such month. Each person requiring an authorization to accept delivery of, use, process, or blend animal oil, neat's-foot oil, or distilled red oil, during any calendar month, including a person seeking authorization to accept delivery of animal oil, neat's-foot oil, or distilled red oil for resale, or a producer seeking authorization to make delivery of animal oil, neat's-foot oil, or distilled red oil pursuant to (c) (1) hereof, shall file an application therefor, on or before the 15th day of the preceding calendar month. Separate applications shall be made for each kind of oil on Form FDA 478 (and on Form FDA 477 when it is desired to accept delivery of animal oil, neat's-foot oil, or distilled red oil from another person), or such other form or forms as may be prescribed by the Director. The applications shall be forwarded to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53. In each case where the application for authorization to accept delivery of, use, process, blend, or deliver pursuant to (c) (1) hereof, is granted, one copy of Form FDA 478, or such other form as may be prescribed by the Director, signed by the Director, will be returned to the applicant and will constitute his authorization to ac-

cept delivery of, use, process, blend, or make delivery pursuant to (c) (1) hereof. Where application to accept delivery from another person is granted, one copy of Form FDA 477, signed by the Director, will be sent to the supplier and will constitute the authorization for the supplier to make delivery.

(2) The Director may prescribe in each authorization issued pursuant to this order, the period of time in which the authorization shall be effective. No person shall take any action pursuant to, or in reliance on, an authorization which has expired.

(3) Animal oil, neat's-foot oil, or distilled red oil authorized by the Director to be used for a specific purpose during a specific period shall revert to inventories where and to the extent that such oils are not used during the specific period for the specific purpose designated in the authorization. Furthermore, any animal oil, neat's-foot oil, or distilled red oil which the Director has authorized to be delivered, accepted for delivery, or used for the purpose of building up inventories, or which has reverted to inventories under the terms of this order, shall not thereafter be delivered, accepted for delivery, processed, blended or otherwise used, except in accordance with the provisions of this order.

(j) *Records and reports.* (1) Every producer or distributor of animal oil, neat's-foot oil, or distilled or saponified red oil, shall fill out and file with the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53, one copy of Form FDA 476, with respect to such oils, between the 1st and 15th day of each calendar month.

(2) Every person subject to this order shall, for at least two years (or for such periods of time as the Director may designate), maintain an accurate record of his transactions in animal oil, neat's-foot oil, distilled red oil, and saponified red oil, and retain all certificates and certified orders received pursuant to (c) (2) or (g) (1) hereof.

(3) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(k) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of animal oil, neat's-foot oil, distilled red oil, or saponified red oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to de-

liveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control. However, nothing in this paragraph shall be construed as restricting a person's intra-company movement of any animal oil, neat's-foot oil, or distilled red oil which the Director has specifically authorized such person to use, process, or blend.

(l) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of animal oil, neat's-foot oil, distilled red oil, or saponified red oil, of any person, and to make such investigations, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order.

(m) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition.

In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(n) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any delivery of, or using animal oil, neat's-foot oil, distilled red oil, or saponified red oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person may be prohibited from receiving, making any delivery of, or using material subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(o) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director and may be redelegated by him to any employee of

the United States Department of Agriculture.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53.

(q) *Territorial extent.* This order shall apply in the United States, its territories and possessions, and the District of Columbia.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t. February 1, 1944. However, with respect to violations of said Food Distribution Order 53, as amended, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 53, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 21st day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

WAR FOOD ADMINISTRATION SUMMARY TO FDO 53, AMENDMENT 2

Regulations on Saponified and Red Oil Modified by Amendment to FDO 53.

Because supplies of saponified (undistilled) red oil now are if properly controlled adequate to take care of normal needs, the War Food Distribution Administration has removed it from specific allocation control and issued instead an order requiring producers to "set-aside" on the first of each month $\frac{1}{3}$ of their previous month's production. The change is effective February 1, 1944.

The quantity required to be set aside is for delivery pursuant to specific authorization by the Director of Food Distribution, and should be held by producers until the first day of the succeeding month. Any part of the oil not spe-

cifically authorized for delivery by that time will be released.

After February 1, 1944 saponified red oil cannot be delivered for the production of liquid, industrial laundry or household laundry soap prior to the 16th of each month and then only if the producer has made provision to fill all certified orders. It will be free for all other uses, including textile processing, metal working, lubricants, etc.

The new regulations are effected in an amendment to Food Distribution Order No. 53, originally issued last May to control the use and distribution of animal, neat's-foot and red oil—both saponified and distilled.

The amendment makes no changes in the regulations affecting the use and distribution of distilled red oil, but extends to March 31, 1944 the suspension of animal oil allocations effected 3 months ago.

Three other changes in the original FDO No. 53 are made by the new amendment.

Producers now are required to obtain from the Food Distribution Administration an overall allocation each month to cover small order (450 pounds or less) deliveries of neat's-foot and distilled red oil. Previously, they have been permitted to deliver such small orders without allocation, regardless of the number of customers supplied.

Provisions of the amended order do not apply to the intra-company movement of oil which the Director of Food Distribution has specifically authorized to be used processed or blended.

Paragraph (b) (2) in the original order relating to the issuance of directives to producers concerning the grades of oil which may be produced has been revised in paragraph (h) of the amendment.



WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

CORRECTION NOTICE- FDO 53 Amendment 3 Fats and Oils

In printing Summary to FDO 53 Amendment 3, the following errors occurred:

Paragraph four, first word "Through" should read "Though."

In paragraph (3) fifth line the word "quality" should read "quantity"

4

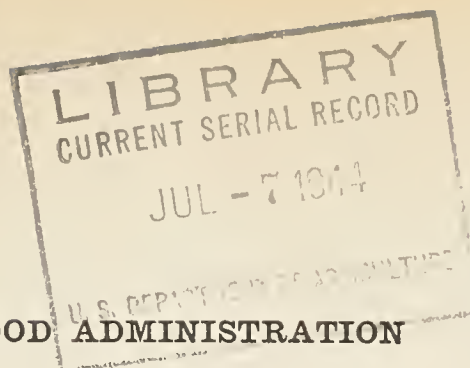
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FDO 53
AMDT. 3
MAR. 27, 1944

WAR FOOD ADMINISTRATION

[FDO 53, Amdt. 3]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DISTRIBUTION OF ANIMAL OIL, NEAT'S-FOOT OIL AND RED OIL

Food Distribution Order 53, as amended (9 F.R. 938), § 1460.15, is amended as follows:

1. By deleting the word and figures "March 31, 1944" in paragraph (d) thereof and inserting in lieu thereof the word and figures "June 30, 1944".

2. By adding immediately after the end of paragraph (r) thereof the following:

(s) *Temporary suspension of (b) and (c) with respect to distilled red oil and neat's-foot oil which has been pressed.* The restrictions and provisions of (b) and (c) hereof, shall not apply to the delivery, acceptance of delivery, use, processing, or blending of distilled red oil or neat's-foot oil which has been pressed, by any person, when such delivery, acceptance of delivery, use, processing, or blending occurs during the period beginning on April 1, 1944, and ending on June 30, 1944.

(t) *Inventory limitations with respect to neat's-foot oil which has been pressed.* No person, other than a producer or distributor, shall, after April 1, 1944, accept delivery of any neat's-foot oil which has been pressed which will cause his inventory of neat's-foot oil which has been pressed to exceed a quantity equal to 5000 pounds, or the aggregate amount of neat's-foot oil which had been pressed and which was used, processed, or blended, by him during any two consecutive calendar months in the period beginning on July 1, 1943, and ending on December 31, 1943, whichever is greater. In computing the aggregate amount of neat's-foot oil which had been pressed which was used, processed, or blended by any person in any two consecutive calendar months in the period beginning on July 1, 1943, and ending on December 31, 1943, the same oil shall not be counted more than once.

(u) *Distilled red oil set aside.* On May 1, 1944, and June 1, 1944, every producer shall set aside and hold for delivery pursuant to specific authorizations by the Director a quantity of distilled red oil equal to one-third of the total amount of distilled red oil produced by him in the preceding calendar month. Any distilled red oil required to be set aside hereunder and the delivery of which is not specifically authorized by the Director prior to the first day of the succeeding calendar month, shall be released from the restrictions of this paragraph on the first day of such succeeding calendar month.

(v) *Orders for distilled red oil which is not to be used for the production of liquid, industrial laundry, or household laundry soap given preference.* (1) Every person, except a distributor, who desires to obtain distilled red oil from a producer or distributor in April, May, or June 1944, for any purpose other than the production of liquid, industrial laundry, or household laundry soap, shall, prior to the delivery of the distilled red oil to him, deliver to such producer or distributor a written order for such distilled red oil, which has attached thereto, or included therein, a certificate properly filled out and signed by him, in the following form:

The undersigned hereby certifies to the War Food Administration and to _____ (supplier)

that this certificate constitutes a part of an order by him to said supplier for _____ pounds of distilled red oil to be delivered on or about _____, and that none (date)

of the distilled red oil which may be received by the undersigned pursuant to such order will be used by him in the production of liquid, industrial laundry, or household laundry soap.

(Purchaser)

By _____
(Authorized official)

Date

No person who receives distilled red oil as the result of such a certified order shall use any of the distilled red oil so received in the production of liquid, industrial laundry, or household laundry soap.

(2) No producer or distributor shall deliver distilled red oil to any person, other than a distributor, in any calendar month in the period beginning on April 1, 1944, and ending on June 30, 1944, except pursuant to a specific authorization by the Director or an order certified in accordance with the provisions of (v) (1) hereof, unless and until he has delivered, offered to deliver, or made provision to deliver all distilled red oil which is ordered from him by means of orders, certified in accordance with the provisions of (v) (1) hereof, which are received by him at any time before the sixteenth day of such calendar month, and if subject to (u) hereof, has set aside the amount of distilled red oil required thereunder.

This amendment shall become effective on April 1, 1944, at 12:01 a. m., e. w. t. However, with respect to violations of said Food Distribution Order 53, as amended, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 53, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of March 1944.

ASHLEY SELLERS,
Acting War Food Administrator.

**War Food Administration
Summary to FDO 53 Amendment 3**

Because of a favorable supply position, the War Food Administration has suspended the allocation of animal, pressed neat's-foot and distilled red oils for the

second calendar quarter of 1944—from April 1 through June 30.

In the case of animal oils, including lard oil, tallow oil and pig's foot oil, the current action simply is a continuation of the suspension which began October 1, 1943.

While neat's-foot and distilled red oils have remained under allocation, all requests have been supplied 100 percent for the last 3 months. Saponified (undistilled) red oil was removed from allocation February 1, 1944.

Through the allocation provisions of Food Distribution Order No. 53, covering

the three groups of industrial oils, are suspended by amendment, effective April 1, 1944, the following requirements do prevail:

1. All producers and distributors of animal, neat's-foot and red oil (both saponified and distilled) must file with the Director of Food Distribution a monthly report of their operations. Reports should be filed on form FDA-476 before the 15th of each month, and should be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C.

2. Since the suspension applies only to pressed neat's-foot oil, applications for

permission to use, press, or refine raw neat's-foot stocks must be filed with the Director on form FDA-478.

3. No person, other than a producer or distributor, may accept delivery of *pressed* neat's-foot oil in any quantity which will cause his inventory to exceed 5,000 pounds, or the quantity used, processed or blended by him during any two consecutive calendar months between July 1 and December 31, 1943, whichever is greater.

4. Distilled red oil may not be delivered for the production of liquid, industrial or household laundry soap prior to the 16th of each month, and then only if

the producer has made provision to fill all certified orders placed by other users. Inventory limitations on distilled red oil are included in Food Distribution Order No. 87, which limits the inventories of fatty acids.

5. Users of animal oils must limit their inventories to 60,000 pounds, or the aggregate of the two highest consecutive calendar months of use between July 1 and December 31, 1943, whichever is greater. Distributors must limit their inventories to one-third of the quantity accepted by them during that 6-month period.